

Appl. No. 10/072,468
Amendment Dated 3/7/2006
Reply to Final Office Action of December 7, 2005

REMARKS

Claims 1-21 stand rejected in this application. Claims 1-21 have been amended. No new matter has been added. Favorable reconsideration and allowance of the standing claims are respectfully requested.

Claims 1, 7, 13, and 17 stand objected to for various informalities. Applicant respectfully traverses the objection as follows. Applicant has amended claims 1 to 13 to address the informalities referred in the Office Action. With respect to claims 7 and 17, however, Applicant respectfully submits that the term "the communications transmission" is the intended element to be recited in the claims. Therefore, Applicant has not adopted the correction suggested in the Office Action. Accordingly, Applicant respectfully requests withdrawal of the above objections.

Claim 12 stands objected to as being of improper dependent form for failing to further limit the subject matter of a previous claims. The Office Action further states that dependent claims 6 and 12 claim the same subject matter. Applicant respectfully traverses the objection as follows. Applicant has amended dependent claim 12 to depend from independent claim 7. Accordingly, Applicant respectfully requests withdrawal of the above objections.

Claims 1-21 stand rejected under 35 U.S.C. § 102(a) as being anticipated by EP 1,113, 656 (Crowther). Applicant respectfully traverses the rejection, and requests reconsideration and removal of the anticipation rejection.

Applicant respectfully submits that to anticipate a claim under 35 U.S.C. § 102(a), the cited reference must teach every element of the claim. See MPEP § 2131, for

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example. Applicant submits that Crowther fails to teach each and every element recited in claims 1, 7, 13, and 17, as amended, and thus they define over Crowther. For example, with respect to claim 1, Crowther fails to teach, among other things, the following language:

transmitting over a packet data network, from an application computer to a gatekeeper computer, information indicative of monitoring and control telephony functions desired by a user of said application computer, said application computer being located separately from any of at least two nodes of said packet data network;

arranging for a packetized telephone communications session between said at least two nodes of said packet data network, said arrangement being accomplished through said gatekeeper computer;

causing said packetized telephone communications session between said at least two nodes of said packet data network to occur; [and]

reporting information indicative of said packetized communications session occurring to said application computer from said gatekeeper computer over said packet data network....

Applicant submits that the present application is a continuation-in-part of application No. 08/955,834, filed October 21, 1997, and issued as U.S. Patent No. 6,201,805 on March 13, 2001. The elements added to claim 1 above by way of this amendment are disclosed in and are supported by parent application No. 08/955,834, filed Oct. 21, 1997, and issued as U.S. Patent No. 6,201,805 on March 13, 2001. (Applicant respectfully refers the Examiner to the claims section of the parent in particular.) The earliest priority date for the cited reference to Crowther is December 29, 1999 and the date of publication of Crowther is July 4, 2001. Therefore, at least with

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respect to the above elements added by way of this amendment, Crowther cannot be considered a proper 35 U.S.C. § 102(a) reference with respect to claim 1 in the sense that the subject matter recited in claim 1 was not described by Crowther before the invention thereof by the Applicant. Accordingly, Applicant respectfully submits, that at least on this basis, Crowther fails to teach each and every element recited in claim 1. Therefore, Applicant respectfully submits that claim 1, and all claims directly or indirectly depending therefrom, are not anticipated and are patentable over Crowther. Accordingly, Applicant respectfully requests removal of the anticipation rejection with respect to claim 1, and claims 2-6, which directly or indirectly depend therefrom.

Claims 7, 13, and 17 also have been amended to recite elements analogous to those recited in claim 1. Therefore, for reasons analogous to those presented with respect to claim 1, Applicant respectfully submits that claims 7, 13, and 17, and all claims directly or indirectly depending therefrom, are not anticipated and are patentable over Crowther. Accordingly, Applicant respectfully requests removal of the anticipation rejection with respect to claims 7-21.

Claims 2-6, 8-12, 14-16, and 18-20 have been amended to place these claims in better form for allowance.

Applicant does not otherwise concede, however, the correctness of the rejections set forth in the Office Action with respect to any of the dependent claims discussed above. Accordingly, Applicant hereby reserves the right to make additional arguments as may be necessary to further distinguish the dependent claims from the cited reference, taken alone or in combination, based on additional elements contained in the dependent claims that were not discussed above. A detailed discussion of these differences is

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believed to be unnecessary at this time in view of the basic differences in the independent claims pointed out above.

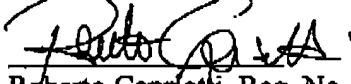
Removal of the anticipation rejection for claims 1-21 is therefore respectfully requested.

It is believed that claims 1-21 are now in allowable form. Accordingly, a timely Notice of Allowance to this effect is earnestly solicited.

The Examiner is invited to contact the undersigned at 724-933-5529 to discuss any matter concerning this application.

Respectfully submitted,

KACVINSKY LLC

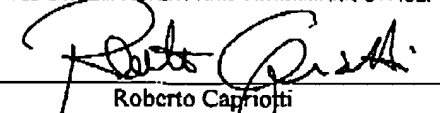

Roberto Capriotti, Reg. No. 46,599
Under 37 CFR 1.34(a)

Dated: March 7, 2006

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CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8A)

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING TRANSMITTED BY FACSIMILE ON THE DATE SHOWN BELOW TO THE UNITED STATES PATENT AND TRADEMARK OFFICE.


Roberto Capriotti

3/7/06
Date